

Notice of Allowability

Application No.

10/764,571

Examiner

David C. Reese

Applicant(s)

GAUTHIER, ALAIN

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 April 2007.
2. ☒ The allowed claim(s) is/are 1-6 and 8-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

THIS OFFICE ACTION IS IN RESPONSE TO APPLICANT'S AMENDMENT FILED 4/24/2007.

Status of Claims

- Claim 7 is canceled.
- Claim 1 was amended.
- Claims 1-6 and 8-23 are pending.

Claim Rejections - 35 USC § 112

[1] Applicant has addressed all rejections under 35 USC § 112 to the Claims in the amendment filed 4/24/2007. Accordingly, the Examiner has withdrawn the 35 USC § 112 rejections.

Allowable Subject Matter

[2] Claims 1-6 and 8-23 are allowed.

Reasons for Allowance

[3] The following is an examiner's statement of reasons for allowance. This application has been reviewed by the examiner and meets all formal and substantive (i.e., statutory) requirements and the language of the claims is enabled by, and finds adequate descriptive supported in the application disclosure as originally filed.

The primary reason for the allowance of the claims is the presence of limitations in the independent claims, which are not found in the prior art references. The examiner believes that the record of the prosecution as a whole makes clear his reasons for allowing a claim or claims. However, the examiner would like to point out one or more specific reasons and/or limitations that the prior art fails to disclose and/or make obvious. Hence, with respect to independent claim

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1, the prior art fails to disclose of a screw with a shank, an external screw thread, and a drilling portion provided at a first free end of the body with drilling teeth, said drilling portion having two helical flutes which extend in a first direction, each of said flutes opening onto a respective flat surface forming walls of both a central drilling tooth and one of two lateral drilling teeth.

Claims 2-6 are dependent upon independent claim 1.

As for independent claim 8, the prior art fails to disclose of a screw with a shank, a plurality of external threads, and a drilling portion formed at a lower end of said shank, said drilling portion comprising a central drilling tooth having opposite flat surfaces; and two lateral drilling teeth on opposite sides of said central drilling tooth, each of said lateral drilling teeth having flat surface which is coplanar with one of the flat surfaces of said central drilling tooth, said flat surfaces formed from two helical flutes helically extending in the first direction, each of said flutes ending at one of said flat surfaces of said central drilling tooth. Claims 9-16 and 22 are dependent upon claim 8.

Lastly, with respect to independent claim 17, the prior art fails to disclose of a screw with a shank, a plurality of external threads, and a drilling portion formed at a lower end of said shank, said drilling portion comprising a central drilling tooth having opposite flat surfaces; and two lateral drilling teeth on opposite sides of said central drilling tooth, each of said lateral drilling teeth having a flat surface which is a continuous extension of one of the flat surfaces of said central drilling tooth, extending seamlessly without interruption into said one of the flat surfaces of said central drilling tooth, said flat surfaces formed from two helical flutes helically extending in the first direction, each of said flutes ending at one of said flat surfaces of said central drilling tooth. Claims 18-21 and 23 are dependent upon claim 18.

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Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

[4] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese
Assistant Examiner
Art Unit 3677

DCR



6/24/07

Katherine Mitchell
Primary Examiner

